

**REMARKS**

Claims 1, 2, 4, 7-9, 11 and 14 are pending in this application. By this Amendment, claims 1, 8, 9 and 11 are amended and claim 14 is added. Support for claim 14 can be found on pages 12 and 13 of the specification, for example. Fig. 6 is amended to correct a typographical error (change "coror" to "color"). No new matter is added by these amendments. Claims 3, 5, 6, 10, 12 and 13 are canceled without prejudice to or disclaimer of the subject matter recited therein. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

An Information Disclosure Statement is being filed with this Amendment. It is requested that the Examiner consider the references therein and return an initialed Form PTO-1449 in the next Office Action.

The Office Action rejects claims 8-13 under 35 U.S.C. §101 for failing to claim patentable statutory subject matter. Claims 8, 9 and 11 are amended responsive to the rejection by claiming "A computer readable recording medium recording a image processing program...". What is claimed is a functional descriptive material that is recorded on computer readable medium, and therefore statutory because the technology permits the function of the descriptive material to be realized (MPEP-2106.1). Also by this Amendment, claims 10, 12 and 13 are canceled, thereby rendering the rejection of claims 10, 12 and 13 moot. Accordingly, Applicant respectfully requests that the rejection of claims 8, 9 and 11 be withdrawn.

The Office Action rejects claims 1, 6, 8 and 13 under 35 U.S.C. §102(b) over U.S. Patent No. 5,450,216 to Kasson. The rejection is respectfully traversed.

Claim 1 calls for (1) a color-space determining part for determining a color-space substantially containing the color-gamut determined by said color-gamut determining part and (2) a color-space conversion part for converting the input image data into image data which is

rendered in the determined color space and for transmitting a converted image data and information on the color space determined by said color-space determining part as information corresponding to the converted image data.

With regard to the above-noted feature (1) of claim 1, Kasson fails to disclose this feature because Kasson fails to disclose a color-space determining part, as called for in claim 1.

The Office Action, on page 3, states that Kasson, at Figs. 1, 3 and 4, col. 1, lines 45-67, col. 2, lines 1-15, col. 6, lines 3-13 and col. 7, lines 34-64, discloses this feature. However, what is disclosed in Kasson is a process whereby out-gamut pixels that are located outside a given color space are corrected for luminance and chrominance to bring the out-gamut pixels inside the color space, therefore becoming in-gamut pixels and printable or displayable (Figs. 3 and 5, col. 7, lines 34-64, col. 8, lines 58-68 and col. 9, lines 1-67). Kasson thus performs a color-space conversion so as to match the characteristics of the output device in which an input image is displayed or printed. This process does not determine a color space that substantially contains the color gamut from each input image data, as called for in claim 1.

With regard to the above-noted feature (2) of claim 1, Kasson fails to disclose this feature because it fails to output the information on the color space as information corresponding to the converted image data, as well as to output the converted image data.

The Office Action, on page 3, states that allegedly the color-space conversion part is seen as the display format of the image data. However, even if that were true, Kasson fails to disclose a color-space conversion part that transmits, not only the converted image data, but also information on the determined color-space that corresponds to the converted image data. The separate information regarding the color space is what allows the converted image data to

be rendered on a display or printer utilizing the predetermined color space for that converted image data.

Claims 6 and 13 are canceled, thereby rendering the rejection of claims 6 and 13 moot. Accordingly, Applicant respectfully requests that the rejection of claims 1 and 8 be withdrawn.

The Office Action rejects claim 7 under 35 U.S.C. §102(b) over U.S. Patent No. 6,075,563 to Hung. The rejection is respectfully traversed.

Applicant notes that claim 7 depends from claim 1. The Office Action fails to discuss whether Hung alone fails to disclose the image processing device of claim 1 (i.e., the color-gamut determining part, the color-space determining part and the color-space conversion part). Applicant asserts that Hung alone fails to disclose these features.

Claim 7 also calls for an electronic camera comprising an image-capturing part for capturing an optical image formed with a shooting lens to create image data and the image processing device of claim 1, for determining a range of color distribution of the created image data to determine a color space, and converting the created image data into image data which is rendered in the determined color space. Hung fails to disclose these features because Hung fails to disclose the determination of a color space.

The Office Action on page 4 states that Hung, at col. 7, lines 30-35, discloses this feature. However, what is disclosed in Hung is a process whereby the color space is used to adjust the gradation characteristic of image data to conform with the gradation characteristics of a CRT display (col. 7, lines 2-7). Hung thus performs a color-space conversion so as to match the gradation characteristics of the indicating means on which an image is displayed. This process does not determine a color space that the created image data can then be rendered in, as called for in claim 7.

Accordingly, Applicant respectfully requests that the rejection be withdrawn.

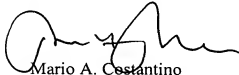
The Office Action rejects claims 2-3 and 9-10 under 35 U.S.C. §103(a) over Kasson in view of U.S. Patent No. 5,606,632 to Matsumoto et al. (hereinafter "Matsumoto"); and rejects claims 4-5 and 11-12 under 35 U.S.C. §103(a) over Kasson in view of U.S. Patent Application Publication No. 2002/0060688 to Mizumoto. The rejections are respectfully traversed.

Neither of the remaining applied references overcome the deficiencies of Kasson in disclosing a color-space determining part, as defined by claim 1. Claims 3, 5, 10 and 12 are canceled, thereby rendering the rejection of claims 3, 5, 10 and 12 moot. Accordingly, Applicant respectfully requests that the rejections of claims 2, 4, 9 and 11 be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Replacement Drawing Sheet  
Petition for Extension of Time  
Information Disclosure Statement

Date: October 18, 2007

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